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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

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11  
12 THE HOUSING AUTHORITY OF THE TE-  
13 MOAK TRIBE OF WESTERN SHOSHONE  
INDIANS,

14 Plaintiff,

15 v.

16 UNITED STATES DEPARTMENT OF  
17 HOUSING AND URBAN DEVELOPMENT,  
ET AL,

18 Defendants.  
19

Case No. 3:08-CV-00626-LRH-VPC

**STIPULATION TO CONTINUE AND  
STAY PROCEEDINGS ; ORDER**

20 COME NOW, the Plaintiff, the HOUSING AUTHORITY OF THE TE-MOAK TRIBE  
21 OF WESTERN SHOSHONE INDIANS, and the Defendants, the UNITED STATES  
22 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *et. al.*, by and through their  
23 respective counsel, and stipulate to continue and to stay proceedings.

24 The parties request that this case be stayed pending the appeal and resolution of the  
25 appeal in the case *Fort Peck Housing Authority v. United States Department of Housing and*  
26 *Urban Development*, filed in the Tenth Circuit Court of Appeals, Case Nos. 06-1425 and 06-

1 1147. That appeal raises the same controlling legal issue that is raised in this action.

2 The public interest, the interests of judicial economy, and the interest of third parties favor  
3 a stay of this case because the Tenth Circuit is likely to issue a definitive decision as to whether 24  
4 CFR § 1000.318 is valid or not before this Court could decide this case on the merits. At the very  
5 least, the Tenth Circuit's decision is likely to streamline this Court's consideration of the central  
6 issues in this case, if not to indicate a disposition of this case.

7 The parties further stipulate and agree that they shall inform this Court of the decision in  
8 the *Fort Peck* appeal within 20 days of its issuance and that the plaintiff shall have 30 days  
9 following notification of the Court of the *Fort Peck* decision as the time within which to serve the  
10 defendants in this case, if the parties decide, in light of the *Fort Peck* decision, to proceed with this  
11 matter.

12 Dated this 30th day of April, 2009.

13  
14 ZEH & WINOGRAD

GREGORY A. BROWER  
United States Attorney

15  
16 /s/Charles R. Zeh, Esq.  
17 CHARLES ZEH, ESQ.  
Attorney for Plaintiff

  
18 HOLLY A. VANCE  
Assistant United States Attorney

19 Original signature located in the  
20 Law Office of Zeh & Winograd

21 IT IS SO ORDERED:

22 DATED: May 4, 2009



23  
24 LARRY R. HICKS  
25 UNITED STATES DISTRICT JUDGE  
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